



5-19 0300
PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Terry et al.	Attorney Docket:	0960-020
Serial No:	09/933,323	Examiner:	Not Assigned
Filed:	08/20/2001	Art Unit:	2611
TITLE: CAPACITY SCALING AND FUNCTIONAL ELEMENT REDISTRIBUTION WITHIN AN IN-BUILDING COAX CABLE INTERNET ACCESS SYSTEM			

Filing of Declaration Subsequent to Filing the Application

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Assistant Commissioner for Patents
Box Missing Parts
Post Office 2327
Arlington, Virginia 22202

This communication is in response to the "Decision of Petition" mailed November 5, 2001 for which a response is due no later than two months from filing. The Lead Petitions Examiner states that the above referenced application is being returned to the Office of Initial Examination for a "Notice to File Missing Parts of Non-provisional Application".

The situation addressed by the petition was that the application was filed without a signed declaration as the inventor died shortly before filing and no one had been officially named as legal representative of the deceased inventor. Thus, no legal representative was available to sign despite diligent search. The petition was denied and applicant has been instructed to submit the declaration in accordance for the rules set forth under 37 CFR § 1.42.

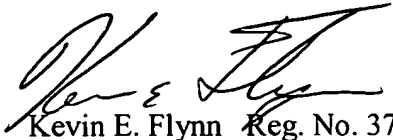
An executrix has been named for the deceased inventor and applicant now submits a declaration signed by the executrix in conformity with 37 CFR § 1.42.

Applicant's attorney submits herewith the following:

1. A copy of an executed Declaration signed by Mrs. Dorothy Terry as Executor of the estate of her late husband John Brian Terry, deceased inventor of the above-identified application;
2. Papers documenting the legal status of Mrs. Terry:
 - a. A copy of the executed Letters Testamentary from the Probate Court of the State of Georgia;
 - b. A copy of the certification by the Clerk of the Probate Court dated August 16, 2001;
3. Fee transmittal (in duplicate) with a check for \$65; and
4. Return receipt postcard.

Dated: November 30, 2001

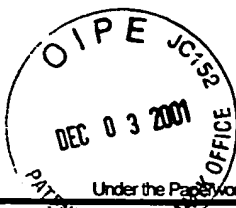
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin E. Flynn". The signature is stylized with a large, sweeping "K" and "F".

Kevin E. Flynn Reg. No. 37,325

Daniels & Daniels, P.A.
P.O. Drawer 12218
Research Triangle Park, NC 27709
Voice 919.544.5444
Fax 919.544.5920
email Kflynn@daniels.com

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TOTAL AMOUNT OF PAYMENT (\$)		65.00	Attorney Docket No.	0960-020

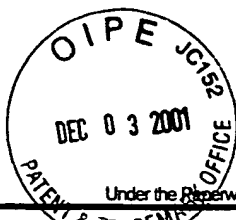
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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Kevin E. Flynn	Registration No. (Attorney/Agent)	37,325
Signature	<i>Kevin E. Flynn</i>	Telephone	(919) 544 5444
		Date	November 30, 2001

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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Kevin E. Flynn	Registration No. (Attorney/Agent)	37,325
Signature	<i>Kevin E. Flynn</i>	Telephone	(919) 544 5444
		Date	November 30, 2001

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PTO/SB/01A (10-01)
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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention Capacity Scaling and Functional Element Redistribution Within an In-building...

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 09/933,323, filed on August 20, 2001
☐ as amended on _____ (if applicable);

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I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Dorothy Terry as Executor for the Estate of John Brian Terry

Signature: *Dorothy Terry* Citizen of: United Kingdom

Inventor two: Jeffrey A. Hales

Signature: *Jeffrey A. Hales* Citizen of: United States

Inventor three: _____

Signature: _____ Citizen of: _____

Inventor four: _____

Signature: _____ Citizen of: _____

☐ Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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STATE OF GEORGIA, FORSYTH COUNTY

PROBATE COURT

I, RACHEAL C. PRUITT, Judge/Clerk of the Probate
Court of said County, same being a court of record and being the court formerly designated
the Court of Ordinary, do hereby certify that I have compared the foregoing copy of
Letters Testamentary-John Brian Terry, Estate.
Dorothy Terry-Executor.

with the original record thereof, now remaining in this office, and the same is a correct
transcript therefrom, and of the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Probate
Court this the 16th day of August, 20 01.

Rachael C. Pruitt
Judge/Clerk, Probate Court

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GEORGIA PROBATE COURT
STANDARD FORMSTATE OF GEORGIA
COUNTY OF _____

FORSYTH

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LETTERS TESTAMENTARY
(Relieved of Filing Returns)By Joyce W. Hawkins, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the 16th day of August, 20 01, at a regular term of the Probate Court, the last Will and Testament dated Dec. 20, 1993, of John Brian Terry deceased, at the time of his death a resident of said County, was legally proven in SOLEMN form and was admitted to record by order. and it was further ordered that Dorothy Terry named as Executor(s) in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(s).

NOW, THEREFORE, the said Dorothy Terry, having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the powers of Executor(s) under the Will of said deceased, according to the Will and the law.

Given under my hand and official seal, the 16th day of August, 20 01.
Judge of the Probate Court

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

Clerk, Probate Court(Seal)
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